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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25928	7590 01/21/2004		EXAM	INER
CHRISTOPHER J. KULISH, ESQ			COULTER, KENNETH R	
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Please find below and/or attached an Office communication concerning this application or proceeding.



177	Application No.	Applicant(s)
	09/682,209	SPIERS ET AL.
Office Action Summary	Examiner	Art Unit
	Kenneth R Coulter	2141
The MAILING DATE of this communication ap	pears on the cover sheet with th	e correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailir earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on 03 (2)  - This action is FINAL 2b) This - This action is application is in condition for allowed closed in accordance with the practice under Disposition of Claims  4) Claim(s) 2-17 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) is/are allowed.	136(a). In no event, however, may a reply be only within the statutory minimum of thirty (30) I will apply and will expire SIX (6) MONTHS fire, cause the application to become ABANDO and date of this communication, even if timely to the complex of the communication of the communica	e timely filed  days will be considered timely.  rom the mailing date of this communication.  NED (35 U.S.C. § 133).  filed, may reduce any  prosecution as to the merits is
6)  Claim(s) <u>2-17</u> is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/  Application Papers  9)  The specification is objected to by the Examin		
10) ☐ The drawing(s) filed on is/are: a) ☐ ac		
Applicant may not request that any objection to the		• •
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E		
Priority under 35 U.S.C. §§ 119 and 120	Examinor, Note the attached On	100710110111111111111111111111111111111
12) Acknowledgment is made of a claim for foreigna) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat * See the attached detailed Office action for a list 13) Acknowledgment is made of a claim for domest since a specific reference was included in the first sentence of the priority document is made of a claim for domest since a specific reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for domest reference was included in the first sentence of the priority document is made of a claim for document is made of a claim for document is made of a cl	nts have been received. Ints have been received in Application ority documents have been received in Application (PCT Rule 17.2(a)). Into of the certified copies not received priority under 35 U.S.C. § 11 irst sentence of the specification provisional application has been application by the priority under 35 U.S.C. §§ 1	cation No eived in this National Stage eived. 9(e) (to a provisional application) n or in an Application Data Sheet. received. 20 and/or 121 since a specific
Attachment(s)		
Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Inform	ary (PTO-413) Paper No(s) al Patent Application (PTO-152)
S. Patent and Trademark Office FOL-326 (Rev. 11-03) Office A	Action Summary	Part of Paper No. 10

Art Unit: 2141

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 2 17 are rejected under 35 U.S.C. 102(b) as being disclosed by Jones et al. (U.S. Pat. No. 5,689,698) (Method and Apparatus for Managing Shared Data Using a Data Surrogate and Obtaining Cost Parameters from a Data Dictionary by Evaluating a Parse Tree Object).
- 2.1 Regarding claim 15, Jones discloses a computer structure comprising: a host computer that is remotely located relative to a network attached storage device and comprising:
- a host network interface for transmitting/receiving communications to/from a network infrastructure according to a packet protocol (col. 4, lines 2 18).
- a host operating system with a host block storage device processor that is capable of:
- receiving, from an application executing on a host computer, a file command (Fig. 2; col. 6, line 56 col. 7, line 9);

Art Unit: 2141

translating a file command into network command of a set of network commands that is interface independent relative to block data storage devices (Fig. 2, item 227 'ODBC'; Abstract; col. 4, lines 2 - 12);

transmitting said network command to said host network interface for conveyance over a network infrastructure according to a packet protocol (Fig. 2; Abstract);

receiving a response to a previously transmitted network command from said host network interface (Figs. 2, 4A; col. 7, lines 4 - 9); and transmitting, if appropriate, said response to the application as at least a partial reply to the file command (Figs. 2, 4A; col. 7, lines 4 - 9).

2.2 Per claim 16, Jones teaches a network attached storage device comprising: a storage device network interface capable of transmitting/receiving communications to/from a network infrastructure according to a packet protocol (col. 4, lines 2 - 18);

a block storage device interface capable of transmitting/receiving communications to/from a block data storage device (Fig. 2; Fig. 3B, item 352);

a storage device operating system with a block storage device processor that is capable of:

receiving, from said storage device network interface, a network command of a set of network commands that is interface independent relative to block data storage device (Abstract; col. 3, line 60 – col. 4, line 9 'ODBC');

Art Unit: 2141

generating, to carry out said network command, one or more device specific commands for a block data storage device (Abstract; col. 3, line 60 – col. 4, line 12);

transmitting each of said one or more device specific commands to said block storage device interface (Fig. 2; Abstract);

receiving, from said block storage device interface, a response to said one or more device specific commands that satisfies the network command (Figs. 2, 4A; col. 7, lines 4 - 9); and

transmitting, to said storage device network interface, said response to said network command (Figs. 2, 4A; col. 7, lines 4 - 9).

- 2.3 Regarding claims 2 14 and 17, the rejection of claims 15 and 16 under 35 USC 102(b) (paragraphs 2.1 and 2.2 above) applies fully.
- 3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Art Unit: 2141

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-9700.

KENNETH R. COULTER
PRIMARY EXAMINED

krc